

Minutes
Catawba County Board of Commissioners
Special Session, Monday, December 1, 2003, 8:00 a.m.
Annual Breakfast meeting with the staff of the
Cooperative Extension Service
and
Regular Session, Monday, December 1, 2003, 9:30 a.m.

Agreements

Joint Economic Development Agreement with Gregory Wood Products	420	12/01/03
Lease Agreement with City of Hickory for Piedmont Transit Administration and Operations Facility	422	12/01/03

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Cooperative Extension Service

Annual breakfast meeting with the Cooperative Extension Services staff	417	12/01/03
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County Manager's Office

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Economic Development Corporation, Catawba County

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Grants

Revised Fiscal Year 2004-2005 Catawba County Community Transportation Program Grant Application	421	12/01/03
Parks and Recreation Trust Fund (PARTF) Grant Proposal for Riverbend Park	421	12/01/03

Guests

Introduction of Joellen J. Daley, newly appointed Assistant County	418	12/01/03
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Ordinances

No. 2003-24, Amendments to Zoning Ordinance, Section 44, addition of Solid Waste Landfill Affiliated Enterprise	419	12/01/03
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Planning Department

Amendments to Zoning Ordinance, Section 44, addition of Solid Waste Landfill Affiliated Enterprise	418	12/01/03
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Public hearings

Amendments to Zoning Ordinance, Section 44, addition of Solid Waste		
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Social Services

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Transit

Revised Fiscal Year 2004-2005 Catawba County Community Transportation Program Grant Application	421	12/01/03
Lease Agreement with City of Hickory for Piedmont Transit Administration and Operations Facility	422	12/01/03

Utilities and Engineering Department

Award of Bid for construction of SECC Water Supply Loop Phase I	423	12/01/03
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At 8:00 a.m., on Monday, December 1, 2003, the Catawba County Board of Commissioners held a special session to attend the Annual Breakfast meeting with the staff of the Cooperative Extension Service at the ARC Building. Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger and Barbara G. Beatty. The purpose of the meeting was to hear an overview by the area agricultural agents on their activities.

Also present were County Manager J. Thomas Lundy and Assistant County Manager Mick W. Berry.

Each agent of the Cooperative Extension Service had displays set up describing their program areas.

After the breakfast meeting the Board convened for its regular session.

The Catawba County Board of Commissioners met in regular session on Monday, December 1, 2003, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chairman Dan A. Hunsucker, Commissioners Glenn E. Barger and Barbara G. Beatty.

Absent: Lynn M. Lail.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, Staff Attorney Debra Bechtel, and County Clerk Thelda B. Rhoney.

1. Chair Barnes called the meeting to order at 9:30 a.m.
2. Commissioner Hunsucker led in the Pledge of Allegiance to the Flag.
3. Invocation offered by Chair Barnes.
4. Commissioner Barger made a motion to approve the Minutes from Special Session (Fall Planning Retreat) of Monday, November 17, 2003, and Closed and Regular Sessions of Monday, November 17, 2003. The motion carried unanimously.
5. Organizational Meeting of the Board of Commissioners:

- a. Election of Chair and Vice-Chair

County Manager J. Thomas Lundy asked for nominations for Chair.

Commissioner Hunsucker made a motion to elect Commissioner Barnes as Chair. The motion carried unanimously.

Mr. Lundy turned the meeting over to Chair Barnes.

Chair Barnes requested nominations for Vice Chair. Commissioner Barger made a motion to elect Commissioner Hunsucker as Vice Chairman. The motion carried unanimously.

Chair Barnes made a motion, which unanimously carried, for approval of the following organizational appointments:

- b. Organizational Appointments:
 1. County Attorney - Robert Oren Eades
 2. Finance and Personnel Subcommittee - Commissioners Beatty and Barger
 3. Policy and Public Works Subcommittee - Commissioners Lail and Hunsucker
 4. WPCOG Policy Board Delegate - Commissioner Barnes
 5. WPCOG Policy Board Alternate - Commissioner Lail
 6. Mental Health Services Board - Commissioner Beatty
 7. Public Health Board - Commissioner Lail
 8. Social Services Board - Commissioner Barger

- a. Community Service Block Grant Advisory Board (CSBG) (Commissioner representative on Social Services Board serves on this board as well.) - Commissioner Barger
 9. Catawba Valley Medical Center Board of Trustees - Commissioner Hunsucker
 10. Catawba County Partnership for Children - Commissioner Lail
 11. Child Advocacy Center Board - Commissioner Lail
 12. Catawba County Criminal Partnership Advisory - Commissioner Barnes
 13. Hickory Metro Higher Education Center Board of Directors - Commissioner Barnes
 14. Juvenile Crime Prevention Council (JCPC) - Commissioner Hunsucker
6. Recognition of Special Guests.
- a. County Manager J. Thomas Lundy introduced Joellen J. Daley, newly appointed Assistant County Manager who will begin work on January 7, 2004.
7. Public Comment for items not on the agenda. None.
8. Presentation:
- a. Certificate of Commendation to Timothy P. Houser, Business Manager I, Social Services Department.
- Chair Barnes presented a Certificate of Commendation to Mr. Houser which read: For dedication to Catawba County and the nation, as demonstrated by service, with honor and dignity, as a Lieutenant Colonel in the North Carolina Army National Guard, as the 30th Engineer Brigade's Civil Affairs Officer. Mr. Houser served a tour of duty during the ongoing war on terrorism; in the Office of the Chief of Engineers, Department of the Army, Washington, DC; and as an Engineer Desk Officer in the Army Operations Center from March 22 - October 4, 2003. Mr. Houser attended the Military Police Pre-Command Course from October 5 – 17, 2003, and will assume command of the 105th Military Police Battalion, North Carolina Army National Guard, in Asheville, NC, on January 1, 2004.
9. Public hearings:
- a. Proposed Amendment to Catawba County's Zoning Ordinance Division 6: 321 Economic Development District (321-ED).
- Planning Director Jacky Eubanks said in 1996, the Board of Commissioners concurrently adopted the Hwy. 321 Corridor Plan and development standards for the area. One of the goals of creating the new standards was to encourage higher quality development in the corridor that would be compatible and visually attractive. Within the ordinance, fifteen specific uses were identified as prohibited because the traditional characteristics of these uses were not visually attractive. Staff reviewed the section and found that the uses could be developed subject to specific design criteria. Staff proposed that the Zoning Ordinance be amended to allow all of the fifteen uses as long as standards are met to ensure that the use cannot be seen by the traveling public and the development serves a public purpose. Following are the specific standards which staff recommended for consideration by the Planning Board:
1. The use is at least 1000 feet from an existing State-maintained road;
 2. A mature buffer and/or landscaped berm of 30-feet in width is provided; and
 3. The development serves a public purpose.
- Staff believed that allowing the fifteen uses with the above noted standards in place would not compromise the integrity of the corridor. Staff recommended amending Division 6: 321 Economic Development District to include standards for the fifteen prohibited uses in the Hwy. 321 corridor with the Planning Board's subsequent recommendation to the Board of Commissioners.
- The Planning Board conducted a public hearing on the proposed amendment at its November 24, 2003, meeting. No one spoke at the hearing. The Planning Board reviewed staff's recommendation and made the following recommendations:
1. Require a 50-foot buffer instead of a 30-foot buffer;
 2. Require the use to be screened from all roads and property lines;

3. Prohibit six specific uses of the original fifteen uses regardless of the development meeting the specific standards. These prohibited uses are:
 - a. Auto repair or auto service shops
 - b. Dragstrips or racetracks
 - c. Drive-in theaters
 - d. Flea markets (outdoor)
 - e. Manufactured and modular home sales
 - f. Tire recapping shops

Mr. Eubanks said after talking with Management and the County Attorney it was decided there may be a better way to handle the issue. Leave the prohibited uses where they were for the time being but put in place some new terminology. He requested that County Attorney Robert Oren Eades describe a revised proposed amendment to the zoning ordinance.

Mr. Eades said they were trying to come up with a new land use to amend the ordinance that allows Catawba County, when it is presented with opportunities, to take advantage of all that is going on with the landfill. He recommended amending the existing table of uses to allow in a particular area what is called a Solid Waste Landfill Affiliated Enterprise. He further explained that as the Board of Commissioners determine that there is an opportunity to work with some third party to aid in the operation of the landfill that it be specified in the ordinance the ways that can be done. If it will assist in the landfill operations such as provide soil, clay, or some other service needed; if used or recycle materials which would otherwise go into the landfill which would have the effect of prolonging the life of the landfill; use or marketing of any by-product of the landfill; or some other way not yet thought of that would aid in the operation of the landfill. If the Board contracts with such enterprise and the enterprise is located in a very nearly described area, essentially within one mile of the center of the landfill, then the enterprise will be allowed in the 321 corridor area. It does that by amending the table of uses because the existing 321 corridor language already provides that if a use is in the table of uses as appropriate for the E-1 district it can be put in the 321 corridor. He reminded the Board that pursuant to the 321 Corridor development standard, all land uses have to file a general development plan. He said this is a more narrow way of proceeding that did not expose to opening up so many possibilities of use in the corridor. Mr. Eades recommending accepting the following ordinance as a substitution for the Planning Board's language. He said the public hearing before the Planning Board as it was advertised for an amendment to the 321 development standards is broad enough to include what is currently recommended and there is no need to go back before the Planning Board.

Ordinance No. 2003-24

That Section 44-4. Definitions, and Section 44-87, Table 1: Schedule of Permitted and Permissible Uses by District of the Catawba County Code is hereby amended to read as follows:

Section 44-4. Definitions.

(b) *Defined words.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Solid Waste Landfill Affiliated Enterprise means any enterprise which by virtue of its existence or operation will, pursuant to a contractual agreement with Catawba County, do any of the following: assist Catawba County in the operation of the Blackburn Solid Waste Landfill; use or recycle materials which would otherwise be directed to the Blackburn Solid Waste Landfill; use or market any by-product of the Blackburn Solid Waste Landfill; provide raw materials such as soils or clays, necessary to operation of the Blackburn Solid Waste Landfill; otherwise aid in the operation of the Blackburn Solid Waste Landfill. Any such enterprise must be located within an area described by a circle, the radius of which is a straight line extending one mile from the approximate center of the Blackburn Solid Waste Landfill. An enterprise meets the requirements of this definition even though its principal activity or activities are not directly related to any of the above-listed landfill affiliated activities. Should the principal activity or activities of the enterprise be a prohibited use in any zoning district located within the above-described are, this section shall control, overriding the prohibition contained elsewhere within the zoning ordinance. Further, the expiration or termination of the underlying contractual agreement by and between the enterprise and Catawba County, or the closing of the Blackburn Solid Waste Landfill, does not then make the enterprise a non-conforming use.

Section 44-87, Table 1: Schedule of Permitted and Permissible Uses by District

Use	R-1	R-2	R-3	O-I	C-1	C-2	C-3	E-1	E-2	See Section
Small motor repair						X	X			
<u>Solid waste landfill affiliated enterprise</u>								X		
Sporting goods						X	X			

This 1st day of December, 2003.

/s/ Katherine W. Barnes, Chair
Catawba County Board of Commissioners

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Hunsucker made a motion to approve the aforementioned amendments to Sections 44-4 and 44-87 of the zoning ordinance. The motion carried unanimously.

- b. Joint Economic Development Agreement between Gregory Wood Products and Catawba County. (Copy of agreement on file in the Office of Catawba County Economic Development Corporation and Finance Department - Purchasing Division, Contract No. 11-04-0343.)

Catawba County Economic Development Corporation President Scott Millar said Gregory Wood Products, Division of G & G Lumber, Union Grove, North Carolina, is considering the potential for location of a \$20 million, 115 employee operation, consisting of a dimensional lumber processing facility located adjacent to the Blackburn Landfill. Guaranteed to be one of the most technologically advanced dimensional lumber processing facilities in the United States, if not the world, upon completion. They will be using laser-guided techniques and optimizing techniques that GM and Ford used in their processes. The employees will be qualified and trained and certified to be adept at their jobs. Average annual payroll upon completion of this project will be in excess of \$4 million. They hope to be in operation by the fourth quarter of 2004. Mr. Millar said the company is interested in a partnership of cogeneration or use of the steam, a byproduct of generators currently at the landfill. He said this project had considered South Carolina and other states as possible locations of this facility. He said there would be a relationship established between Catawba County and the company in order to transfer fee simple title of approximately 70 acres of land, water and sewer extensions will be made, and a road will be developed to serve the site. The property was purchased to utilize the clay and dirt at the landfill and in this relationship the company is providing the transfer of the clay and dirt into the landfill area. It is a good partnership and good opportunity for the County and the company.

Utilities and Engineering Director Barry Edwards said this is a win-win situation for both parties. This property was purchased solely for using the soil to operate the landfill for liners and daily cover. He has met with the engineers about using heat off the exhaust manifolds that creates heat at 710 degree Fahrenheit. The heat can be transferred to run the kilns for the company. The County and the company both run grinders and they will be discussing how to optimize these processes.

Mr. Millar said there is adequate and sufficient protection of any repayment for failure to perform in the incentive agreement for the County and the company.

Mr. Millar introduced Cecil and Brandon Gregory and Steve Randall and David Coulter. Mr. Millar also introduced Steve Nye, Consultant for the project.

Chair Barnes opened the public hearing by saying this was the time and place as advertised for the public hearing and asked if anyone wished to speak either for or against.

There being no one wishing to speak, Chair Barnes closed the public hearing.

After a brief discussion, Commissioner Hunsucker made a motion to approve a Joint Economic Development Agreement with Gregory Wood Products. The motion carried unanimously.

Catawba Valley Medical Center Board of Trustees

Robert "Bob" Hibbitts was appointed to replace Ann Gaither who did not wish to be reappointed. The four-year term expires December 31, 2007.

Transportation Advisory Board

Joe Lutz (Chamber of Commerce) was appointed to replace Scott Millar who resigned, and Ron Valentini (CVCC - Job Placement Service) was appointed to replace Allen Mackie who resigned. The unexpired terms expire March 14, 2004, plus two-year terms which will expire March 14, 2006.

Commissioner Beatty made a motion to approve the aforementioned appointments. The motion carried unanimously.

11. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda items:

a. Revised FY 2004-05 Community Transportation Program Grant Application.

Mr. Lundy said a revision was necessitated by an error in transcribing the data under administrative expenses. Staff erroneously included the replacement of one van for Econoforce, which should not have been the case, and the NCDOT Public Transportation Division required that staff calculate only 30 percent of the total cost of the proposed transit facility which is estimated at \$2,154,950 (and then use the 90:10 funding ratio), given that according to the FY 2002-03 Operating Statistics, 29.3 percent of Piedmont Wagon Transit System's transportation services are provided to the rural residents of the County. On November 17, 2003, the Board of Commissioners adopted a Resolution allowing Piedmont Wagon Transit System to apply for the FY 2004-05 Community Transportation Program Grant. Staff requested that the Board of Commissioners revise the following estimated expenses under the FY2004-05 Community Transportation Program Grant Application.

Current			
	Section 5311	Local Match	
Administrative	\$145,429.00	\$21,815.00	15%
Capital	\$ 89,020.00	\$8,902.00	10%
Facility	\$382,700.00	\$38,270.00	10%
Technology	\$ 5,200.00	\$520.00	10%
Total	\$622,349.00	\$69,507.00	

Revised			
	Section 5311	Local Match	
Administrative	\$135,067.00	\$20,260.05	15%
Capital	\$ 45,320.00	\$4,532.00	10%
Facility	\$599,325.00	\$59,932.50	10%
Technology	\$ 5,200.00	\$520.00	10%
Total	\$784,912.00	\$85,244.55	

b. Parks and Recreation Trust Fund (PARTF) Grant Proposal for Riverbend Park.

Mr. Lundy said the Recreation Resources Services at North Carolina State University (Administrator for PARTF) along with the North Carolina Department of Natural Resources (DENR), the Division of Parks and Recreation (grant funding agency) have been highly complimentary of Catawba County's two parks and encouraged the County to apply for the next round of funding. If this project is funded, the

Park Preservation Trust Fund will have an appropriate fund balance of \$157,000 to use for future park development and site acquisitions. This proposed project is consistent with recommendations in the St. Stephens/Oxford Small Area Plan adopted by the Board of Commissioners on April 21, 2003. The Policy and Public Works Subcommittee recommended that the Board of Commissioners authorize the submittal of a PARTF Grant application for improvements at Riverbend Park and commit \$125,000 (required 50% local match from the Parks Preservation Trust Fund) for a total project cost of \$250,000. The proposed project improvements at Riverbend Park will provide a broader range of amenities and services to County residents and our traveling public. This project will place Riverbend Park on a more equal footing with Bakers Mountain Park and will position the County to partner with such groups as the YMCA in providing passive recreational opportunities at the park. As part of the project-planning phase, staff, along with Duke Power, will explore the feasibility of connecting the Oxford Canoe Access with a regional trail connection/canoe portage to Riverbend Park.

Project Overview

<u>Activities</u>	<u>Estimated Cost</u>
Enclosed educational shelter/meeting room 36-ft x 36-ft	\$ 87,000.00
Open shelter near the river 20-ft x 40-ft	\$ 28,000.00
Additional lower level parking near the open shelter connecting trails/canoe access	\$ 46,500.00
Dog Park	\$ 50,000.00
Maintenance/storage building with attached carport	\$ 6,000.00
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Subtotal:	\$ 217,500.00
Planning costs (10%)	\$ 21,750.00
Contingency costs (4%)	\$ 10,750.00
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	Estimated Total Cost:
	\$ 250,000.00

(Note: \$125,000 PARTF Grant, \$125,000 local match)

Commissioner Barger made a motion to approve the consent agenda. The motion carried unanimously.

End Consent

12. Departmental Reports:

a. Planning Department:

1. Lease Agreement with City of Hickory for Piedmont Transit Administration and Operations Facility.

Planning Director Jacky Eubanks said the state wants to consolidate from 86 transit systems to a low 60 transit systems. He reviewed the expansion of the County jail and a future parking deck and mentioned alternate sites within the locale of the property for the Piedmont Transit facility. Grants will be subject to the County's local match and the county's local match is subject to site suitability. He recommended that the County enter into a 30-year lease that would be suitable and compatible with the County's existing and future needs, as well as adequate driveway access, etc. He said in 2002 an evaluation of potential sites for the proposed relocation of Piedmont Wagon Transit Systems (PWTS) was undertaken. It was then and is now the intentions of Piedmont Wagon to build a new transit facility that will replace and consolidate PWTS existing limited accommodations at its current location on 3194-15th Avenue SE, Hickory, NC. The proposed facility will be used to serve the administrative and operational needs of PWTS, including vehicle maintenance. It will support the future growth and expansion of PWTS as it contemplates consolidation of the four transit systems in the Unifour Counties of Alexander, Burke, Caldwell and Catawba. On May14, 2002, the results of the initial evaluation and assessment of two sites were prepared by the City of Hickory's Planning and Development Department.

Site A: Adjacent to Catawba County Schools bus Maintenance Facility and yard, and

Site B: Located behind Catawba County Justice Center adjacent to existing Catawba County Vehicle Maintenance Facility.

Each site has its strengths and weaknesses but considered a donation of land valued at \$176,000 for 8-acres (more or less) or a long term lease offered by the County – each of which could serve as a local match - then Site B would be preferred. The Policy and Public Works Subcommittee recommended that the Board of Commissioners favorably consider a long-term lease for up to 30

years with the City of Hickory for an 8-acre tract of land (more or less). Subject to: 1) driveway and/or street connections being provided are suitable to the County's best interest and public safety considerations, and 2) coordination with the Planned Criminal Justice Center's expansion site plan.

Commissioner Hunsucker made a motion to approve a lease agreement with the City of Hickory for a Piedmont Wagon Transit System facility of an approximate 8-acre site, in principal, with final site to be determined within the County complex. The motion carried unanimously.

b. Utilities and Engineering Department:

1. Award of Bid for construction of SECC Water Supply Loop Phase I.

Utilities and Engineering Director Barry B. Edwards said on November 19, 2003, the County received bids for the installation of approximately 58,000 linear feet of 8-inch, 12-inch, and 16-inch water lines complete with valves, hydrants and related appurtenances along Sherrills Ford Rd., NC Highway 150 and East Maiden Road (SECC Water Supply Loop Phase I). Ronny Turner Construction Co., Inc., Hickory, NC was the lowest responsive bidder with a total bid amount of \$2,190,649. A budget revision of \$233,045 was necessary because during the design phase it was determined by County engineers that it was in the county's best interest to extend Phase I through the NC Highway 16 corridor to avoid future complications and costs of moving infrastructure during Highway 16 realignment. The additional line is 13,000 feet from the intersections of Highway 150 and Commons Drive to East Maiden Road and Anderson Mountain Rd. This portion would have been needed in Phase III; however, it makes sense to include this in Phase I so it is completed prior to any Highway 16 corridor realignment and easement acquisition. The bid includes the option to fund additional water lines at the same unit cost for a period of three months. Staff will evaluate other lines independently considering County policy, codes, available funds, past practices, and grant opportunities, and report findings to the Board no later than the February 2, 2004, meeting. According to the contract, the construction process must be completed within 300 calendar days, not including inclement weather. Thus, there is significant time for staff evaluation and for staff to meet with area property owners and bring back to the Board for final decision on the service area options. The Policy and Public Works Subcommittee recommended that the Board of Commissioners 1) award the SECC Water Supply Loop Phase I, to Ronny Turner Construction Co., Inc., Hickory, NC, in the amount of \$2,046,094, which includes \$22,241 for 700 feet of 12-inch waterline to serve Sherrills Ford EMS, Fire and Rescue base. In addition \$46,200 to McGill Associates for construction, observation and engineering services associated with the project; and \$10,000 for right-of-way and temporary easement acquisition. Total: \$2,102,294. (Bids: Ronny Turner Construction Company - \$2,190,649; Hickory Sand Co., Inc. - \$2,566,635; Buckeye Construction Co., - \$2,593,305; and Bryant Electric Company - \$2,797,010.); 2) Approve the following budget revision in the amount of \$233,045; and 3) Instruct staff to issue the Notice to Proceed to include only the main distribution line and the portion to serve Sherrills Ford EMS, Fire and Rescue base along Sherrills Ford Road, NC Highway 150 and East Maiden Road until such time as options to fund additional water lines located in the service area have been analyzed by staff and reported back to the Board.

Supplemental Appropriations

Appropriations		Revenues	
230-170020-995415	\$233,045	230-170020-690100	\$233,045
To Water & Sewer Construction		Fund Balance Applied	
415-431100-861500-21015	\$233,045	415-430050-695230	\$233,045
SECC Water Supply Loop Phase I		From Water & Sewer Reserves	

After a brief discussion, Commissioner Beatty made a motion to award the bid to Ronny Turner Construction, approve the aforementioned budget revision; and instructed staff to issue the Notice to Proceed to include only the main distribution line and the portion to serve Sherrills Ford EMS, Fire and Rescue base along Sherrills Ford Road, NC Highway 150 and East Maiden Road until such time as options to fund additional water lines located in the service area have been analyzed by staff and reported back to the Board. The motion carried unanimously.

13. Attorneys' Report. None.
14. Manager's Report. None
15. Other items of business. None.
16. Adjournment.

At 10:16 a.m. there being no further business to come before the Board, by consensus the Board adjourned.

Katherine W. Barnes
Chair, Board of Commissioners

Thelda B. Rhoney
County Clerk